

REMARKS

Claims 1-7 are pending. Claim 7 has been amended. New claim 8 has been added. Support for the amendment to claim 7 may at least be found in the claims, specification, and Figures. Support for the new claim may at least be found in the claims, specification, and Figures. No new matter has been introduced as a result of the amendment or new claim.

The Examiner has indicated claim 7 is an improper multiple dependent claim because it depends from another multiple dependent claim, claim 5.

The Examiner asserts a hypothetical restriction under 35 U.S.C. §§121 and 372.

Applicants have amended claim 7 to correct the improper multiple dependent claim format. Applicants respectfully request the Examiner withdraw the objection to the claim 7 and find claim 7 allowable.

The above-referenced action requires election/restriction as follows:

- I. Applicant is required to select "one" formula;
- II. "one" peptide sequence with each position defined and identified with a "SEQ ID NO:" for examination; and
- III. Applicant is also required to select "one" disease from claim 7 for examination.

Applicants hereby select the following:

- a. formula (II) BXXBXXXXBBBXXXXXXB;
- b. sequence RGGRLSYSRRRFSTSGR (SEQ ID NO: 11)
corresponding to the peptide SynB1; and
- c. brain cancers.

This election is made with traverse.

The subject matter of claims 1-7 address the problem of the transfer of molecules active in therapy or diagnosis through the hemato-encephalic barrier (HEB). The solution is the use of particular vector peptides such as the vector peptides satisfying formulas (I), (II) or (III) and, more particularly, the peptide SynB1. As recited in Applicants' claims 1-7, SynB1 can be used to transfer through the HEB different kinds of active molecules such as doxorubicin, dalargin and benzylpenicillin. Said active molecules are used in different treatments applied to SNC. That's why we consider the present invention can apply to different SNC diseases.

Applicants believe the claims are linked to form a single general concept, have in common the same or corresponding technical features, and are not directed to different inventions. Applicants assert the claims are linked by a special technical feature within the meaning of PCT Rule 13.2 so as to form a single inventive concept and possess the requisite unity of invention.

For these reasons, Applicants respectfully request the Election/Restriction under 35 U.S.C. §§121 and 372 be withdrawn.

Serial No. 09/857,000

An action on the merits of the elected invention is respectfully requested.

Should the Commissioner determine that additional fees are due, he is hereby authorized to charge said fee to Deposit Account No. 02-0184.

Respectfully submitted,

PHILLIPE CLAIR ET AL.

By 

Ross J. Christie

Attorney for Applicants

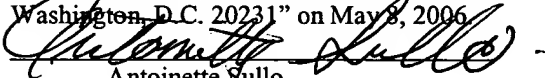
Reg. No. 47,492

Tel: (203) 777-6628 x.116

Fax: (203) 865-0297

Date: May 8, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: "Mail Stop Amendment, Commissioner for Patents, Washington, D.C. 20231" on May 8, 2006


Antoinette Sullo